

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraph 0001 has been added.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the specification as set forth above, claims 1-10 (10 claims) are now pending in this application.

On page 2, paragraph 2 and pages 4-7, paragraph 9, the Examiner has rejected claims 1-10 under 35 U.S.C. §102(e) as being anticipated by Connelly, et al (USPN: 6,594,786). In response, Applicants submit that Connelly is not appropriate prior art under 35 U.S.C. §102(e) since its filing date does not precede the filing date of the present application. Connelly has a filing date of January 31, 2000 and does not indicate any priority date to any other application. The present application claims the benefit of international patent application number PCT/EP99/09497, filed December 4, 1999. Confirmation of this is contained in the PCT documents previously filed in this application and is confirmed by the Filing Receipt dated July 3, 2001. Accordingly, Connelly is not prior art. Therefore, Applicants respectfully request that the Examiner withdraw her rejection of claims 1-10 under 35 U.S.C. §102(e).

Applicants have amended the specification to reflect that the present application is an international phase application in the United States of International Application PCT/EP99/09497, filed December 4, 1999 and claims priority back to German Patent Application 98123177.2, filed December 4, 1998. Applicants submit that the specification should be amended to include a cross-reference to the related applications of the PCT, and German Application cited above.

On page 2, paragraphs 3 and 4, the Examiner has objected to the drawings under 37 C.F.R. §1.83(a) and states that Applicants are required to furnish formal drawings in response to this Office Action.

In response, Applicants submit that formal drawings were submitted with the substitute specification on May 31, 2001 and a copy of those formal drawings were filed with the amendment dated March 31, 2004. Applicants believe that the drawings, as originally filed, do show every feature of the invention specified in the claims. Fig. 1 is a block diagram showing the hardware units and data types which are the subject matter of the present application. Fig. 2 is a data structure diagram illustrating data types that may be available on various hardware units. Paragraph 17 of the substitute specification describes the features illustrated in Fig. 1. Paragraphs 27 – 30 of the substitute specification describe the components illustrated in Fig. 2. Accordingly, Applicants submit that the formal drawings previously filed do show all features of the invention specified in the claims. Therefore, Applicants respectfully request that the Examiner withdraw the objection to the drawings under 37 C.F.R. §1.83(a).

On page 3, paragraph 6 of the Office Action, the Examiner has rejected claims 1-10 under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. The Examiner sets forth several phrases taken from identified claims and states that “these limitations of the claims are not supported by the specification. There is not a description given in the specification showing how the recited steps of the claims is accomplished . . . “

In response, Applicants submit that the specification does in fact support the limitations set forth in the claims and describes how to accomplish the steps in the method claims. Specifically, claim 1 restoring a step is described in paragraphs 32-36 of the substitute specification. The utilization of information step in claim 1 is described in paragraphs 38-39 and paragraphs 40-42 of the substitute specification. Applicants submit that independent claims 2, 3 and 4 are also supported by the paragraphs of the substitute specification identified above. Additional support for claims 1-10 are also provided in paragraphs 12 and 13 of the substitute specification. Applicants submit that one ordinarily skilled in the art could practice the invention as set forth in the substitute specification and

amended claims. Accordingly, Applicants believe that the specification, does support the claims as amended and therefore respectfully request that the Examiner withdraw the rejection of claims 1-10 under 35 U.S.C. §112, first paragraph.

Applicants have attempted to respond to the several rejections of the claims to the extent necessary to correct any ambiguity cited by the Examiner and to address the alleged prior art cited by the Examiner with the intent of not limiting the scope of the invention protection accorded by the patent laws and these claims any further than absolutely necessary. It is respectfully submitted that each outstanding rejection and objection has been overcome and that each claim is in condition for allowance. Reconsideration on the application is respectfully requested.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

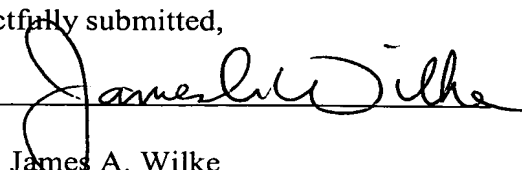
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Date 09-28-04

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5776
Facsimile: (414) 297-4900

Respectfully submitted,

By


James A. Wilke
Attorney for Applicant
Registration No. 34,279